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S E C R E T SECTION 01 OF 02 ABUJA 001276

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DOE FOR CAROLYN GAY

E.O. 12958: DECL: 06/17/2017

TAGS: [PGOV](#) [PINR](#) [NI](#)

SUBJECT: DOKUBO-ASARI RELEASED ON CONDITIONAL BAIL

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Classified By: Political Counselor Russell J. Hanks for reasons 1.4 (b) and (d).

¶1. (S) SUMMARY: Nigeria's Federal High Court on June 14 released Niger Delta militant leader and Niger Delta Peoples Volunteer Force (NDPVF) leader Mujahid Dokubo-Asari on conditional bail based on his deteriorating health. This decision reverses the Nigerian Supreme Court's June 8 ruling that denied Asari bail on grounds that he is a risk to Nigerian national security. The hearing appeared more like a press conference than a judicial proceeding, giving the impression Asari's release was a foregone conclusion. END SUMMARY.

¶2. (SBU) Nigeria's Federal High Court on June 14 released Niger Delta militant leader and Niger Delta Peoples Volunteer Force (NDPVF) leader Mujahid Dokubo-Asari on conditional bail based on his deteriorating health. Defense counsel filed affidavits with the court detailing Asari's escalating diabetes and hypertension and requested Asari be released to seek treatment so that he may be medically fit to stand trial. Counsel also recognized several prominent Southern community leaders in attendance who had agreed to guarantee Asari's cooperation. The prosecution acknowledged this request and requested only that the court impose conditions upon Asari's release to guarantee that he would not skip bail.

¶3. (SBU) The court agreed to grant Asari bail based on the following conditions: that he not hold political office or participate in any political activities, to notify the Nigerian State Security Service (SSS) if he travels inside Nigeria, and if he travels abroad to notify the relevant Security Services and register with the nearest Nigerian Embassy. The court also asked that Asari name two prominent citizens as guarantors.

¶4. (C) Nigerian Security Services had blocked off the streets leading to the Federal High Court with armored vehicles and security agents swarmed the judicial compound. Barristers, journalists, and Asari supporters from both Northern and Southern Nigeria packed the court room in anticipation of the ruling. A Hausa-Fulani man who had been following the case told Poloff that the bail decision was a victory for Nigeria and suggested the government was taking a

positive step towards resolving the Niger Delta crisis. Several prominent South-South community leaders also attended the hearing.

15. (SBU) The Federal High Court's decision reverses the Nigerian Supreme Court's June 8 ruling that denied Asari bail on the basis that he is a risk to Nigerian national security.

Asari, who is prone to outbursts in court, in February threatened the life of the presiding trial judge. Asari was arrested in September 2005 and charged with treason for attempting to overthrow former President Olsegun Obasanjo and his incarceration has become a rallying point for Niger Delta militants who cite his release among their laundry list of demands.

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Comment  
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16. (S) Poloff attended the bail hearing at the Federal High Court, which appeared more like a press-conference than a judicial proceeding. Barristers at the high court told Poloff that counsel from both sides met with the Judge in-camera before the hearing, which started nearly two and a half hours late. The proceedings were abrupt and gave the impression that an arrangement had already been made behind closed doors before the hearing began.

17. (S) When taken in the context of the Yar'adua administration, the stated priority to resolve the Niger Delta crisis, the staged air of the hearing suggests the court's decision to grant Asari bail may have political overtones. While Post cannot say whether the administration had a hand in Asari's release, the ruling may buy President Yar'adua some goodwill among Delta communities as well as some time to formulate his Delta strategy. However, while Asari's cache makes him a symbolic figure among Delta communities, it is unclear what effect his release will actually have on the

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security situation in the Delta. Asari has effectively been out of the militant game for nearly two years and may no longer have the political sway to reign-in current militant leaders.  
CAMPBELL